



MINUTES OF THE MILLVILLE TOWN COUNCIL MEETING

January 25, 2022 @ 7:00 P.M.

1. **Call to Order:**

Mayor Belinko called the meeting to order at 7:00 p.m. with the **Pledge of Allegiance**. **Present:** Council Members Sharon Brienza, Barbara Ryer, Robert Wisgirda, Town Manager Debbie Botchie, Town Solicitor Seth Thompson, Town Engineer Andrew Lyons, Code & Building Official Eric Evans, Administrative Assistant Jennifer Ireland, and Town Clerk Wendy Mardini. Council Member Steve Maneri was absent.

2. **Mayor's Message:**

Mayor Belinko commented on what a wonderful job Kerin Magill from the Coastal Point did of capturing the history of the Dukes property. It was an excellent and outstanding article. He suggested obtaining a frameable copy of the article and putting it in the Community Center for all to see.

The Mayor informed Council the Delaware League of Local Governments will have their meeting virtually due to COVID restrictions and that he will be representing Sussex County. He said he will keep Council advised as to what legislative issues were discussed.

He mentioned the first procedural training session for Town Staff, Commissioners and Council was conducted by our Town Solicitor, Seth Thompson, Esq. He acknowledged it was informative, and he hopes this will become a training that will be scheduled periodically in the future.

Mayor Belinko spoke about the Fire and Ice Festival. He acknowledged the Town Staff is working with the Bethany-Fenwick Chamber of Commerce in creating activities for the festival in Evans Park. He said he wanted Council to set up a table and tent so we can represent the Town of Millville.

3. **Citizens' Privilege:** - Sally Griffin, 35892 Huntington Street, Millville, DE

Ms. Griffin was following up on a letter she sent to the Mayor on January 3, 2022. Ms. Griffin wanted to take the opportunity to discuss the possibilities of increasing environmental support for the Town of Millville. She discussed the program called "Mayors for Monarchs." This program is taking action to save the monarch butterflies and thought that Millville could easily participate in. She

brought up the stormwater area on the corner of Rt. 26 and Windmill Drive where pollinator plants could be planted.

The second item was stormwater pond management and resident management. She suggested some type of a lecture series, including both private sector companies and state agencies, so there are multiple perspectives given.

The third item she discussed was improvement in development landscape plans including more trees and a holistic approach such as living edges for stormwater management ponds, more wildlife areas, and undisturbed zones within a development.

The fourth item is the Dark Sky Initiative. Possibly discussing street lighting with the Delaware Electric Co Op.

The fifth item was educational opportunities for the public, developers, designers, etc. to make better environmental decisions.

4. **New Business:**

A. Discussion, Consideration, and Possible Voting on an application submitted by the Millville Volunteer Fire Company (MVFC) requesting a grant from the Town of Millville in the amount of \$118,477.89.

Synopsis: The Town of Millville charges a \$500.00 impact fee on new construction to fund the Millville Volunteer Fire Company grant.

Town Manager, Debbie Botchie, explained the town put a grant together for the MVFC for the ambulance service, fire trucks or wherever they deem necessary. She advised this money cannot be expended on salaries or bonuses. Ms. Botchie stated each year they (the MVFC) have applied for the money that we have collected, which is \$118,000.00. This year they are going to be purchasing a new ambulance in the amount of \$400,000.00 and once they purchase that, they bring in their receipts to us and we reimburse them the \$118,000.00.

Both Council Members Bob Wisgirda and Barbara Ryer commented that the Millville Volunteer Fire Department are well deserving of this money. Mayor Belinko noted the Town of Millville is fortunate to have the fire company right in our neighborhood especially with the rapid growth.

Council Member Brienza made a motion to approve the application submitted by the MVFC requesting a grant from the Town of Millville in the amount of \$118,477.89. Seconded by Council Member Ryer. Mayor Belinko asked for an individual vote of the Council Members as follows:

<i>Council Member Ron Belinko</i>	<i>Yes</i>
<i>Council Member Barbara Ryer</i>	<i>Yes</i>
<i>Council Member Sharon Brienza</i>	<i>Yes</i>

Council Member Robert Wisgirda	Yes
Council Member Steve Maneri	Absent

The motion carried unanimously 4-0-1

B. Discussion, Consideration, and Possible Voting on a final site plan submitted by Beacon Engineering, LLC, on behalf of ASF MBTS, LLC for the project known as the Tidewater Utilities Elevated Storage Tank. The site is in the Millville by the Sea Master Planned Community at tax map parcel # 134-15.00-116.01. *Synopsis: At its May 27, 2021, meeting, the Planning & Zoning Commission voted 3-0, with the abstentions of two commissioners; Cathy Scheck and Tim Roe, to recommend the approval of the above-mentioned final site plan by Town Council. The commission requested a letter from Tidewater Utilities stating the entrance may be shared with other uses and the continuation of a multi-modal path (to be completed within a specified time: letter attached).*

Ms. Brienza and Mr. Wisgirda recused themselves from this discussion.

Town Manager, Debbie Botchie, introduced Mr. Bob Palmer (online) who is the engineer and Mr. Greg Coury, who is the representative of Tidewater Utilities.

Bob Palmer of Beacon Engineering began the presentation. He advised Beacon Engineering represents Tidewater Utilities for the construction of a 1-million-gallon elevated storage tank located on the lands of Millville by the Sea. He explained Tidewater Utilities has a utility easement from the developer for the purpose of constructing the elevated storage tank. There is a small commercial DelDOT entrance that has been approved. Mr. Palmer pointed out the multimodal path that was required by the Planning Commission with the sidewalk termination at the northern terminus of the property. He believes Mr. Coury has been collaborating with the developer to create a schedule for when the developer would construct a shared use path. They have their final site plan submission and all their permit approvals. They also have a letter from Tidewater Utilities indicating they had no objection to the entrance being used for purposes other than the elevated storage tank access.

Mr. Palmer pointed out there is some modest landscaping across the property frontage, which he believes is in harmony with the Routes 26 and 17 design guidelines. There will be two logos on the water tower, i.e., Millville by the Sea logo and a Tidewater Utilities logo on the northerly and the southerly sides of the tower. The tower is a single pedestal style tower, otherwise known as a Hydrosphere or pedestal spheroid. The tower appearance is a hemispherical style tank that sits on a single pedestal with a cone shaped base. It will stand approximately 140 feet tall.

Andrew Lyons of GBM stated they have complied with the comments that he had engineering wise along with comments from Planning & Zoning. There is a letter from Ardent stating when they propose to build the multimodal path, it will be completed one year after the Town Center portion is complete by Millville by the Sea or one year

after the Hudson's Reserve portion is completed, whichever comes first. So that path would tie into the Hudson Reserve.

Mayor Belinko questioned how many homes this will service, and Mr. Coury said approximately 30,000 to 35,000 homes with an approximate completion date of June or July 2023. Ms. Ryer inquired about a lease agreement between Tidewater and Millville by the Sea HOA. Mr. Coury said that there is no agreement, but an easement to the property.

Council Member Ryer made a motion to approve the final site plan submitted by Beacon Engineering, LLC, on behalf of ASF MBTS, LLC for the project known as the Tidewater Utilities Elevated Storage Tank. Seconded by Mayor Belinko. Mayor Belinko asked for an individual vote of the Council Members as follows:

<i>Council Member Ron Belinko</i>	<i>Yes</i>
<i>Council Member Barbara Ryer</i>	<i>Yes</i>
<i>Council Member Sharon Brienza</i>	<i>Abstained</i>
<i>Council Member Robert Wisgirda</i>	<i>Abstained</i>
<i>Council Member Steve Maneri</i>	<i>Absent</i>

The motion carried unanimously 2-0 with 2 abstentions and 1 absence.

C. Discussion, Consideration, and Possible Voting on American Rescue Plan Act (ARPA) Funding Recommendations.

Mayor Belinko turned the floor over the Town Manager, Debbie Botchie, to provide details on this subject.

Ms. Botchie gave some background of the American Rescue Plan Act (ARPA) that was signed into law by President Joe Biden in March 2021. The monies were allocated through municipalities and county governments all throughout the United States. The calculation was based on the population and operating budget. They used the population of Millville at 544, and our expense budget of \$700,000.00. We were allocated \$337,965.97. The Town received \$168,982.98 in 2021. The second half will be received in May of 2022.

She explained the United States Treasury passed an interim final ruling, which explains the different components that these funds can be expended on. Ms. Botchie stated the document is overly complex. There were several webinars and discussions on the rulings and how they are to be interpreted. The state Treasurer's Office could not help us, so the Governor's Office and our friends at Farsi, Marshall, Scott along with the Delaware League, found a law firm, Barnes, and Thornburg. They have an office in Wilmington and are educated in ARPA. The towns did sign an agreement for legal services. They are charging the Town of Millville \$1,350.00 to cover any calls, any emails, or any zoom meetings with them.

Ms. Botchie said the final ruling just came out a few weeks ago for this funding in the categories of replacing loss, public sector revenue, responding to public health and economic impacts of COVID, provide premium pay for eligible workers performing essential work and invest in water, sewer, and broadband infrastructure. Ms. Botchie said that she reviewed the documents several times, working with the Finance Director, and working with Andrew Lyons, our town engineer who has been involved with these ARPA funds. Ms. Botchie further said the Town of Millville feels fortunate that they do not have the infrastructure, water, sewer, stormwater management that we must pay for and take care of. Therefore, there are very few items that we could expend this money on. She said that the Town sent an email to Barnes and Thornburg discussing premium pay.

Ms. Botchie continued to explain the premium pay in the ruling states that “a regular person interacting with the public, or coworkers of the individual that is performing the work, and physical handling of items that were handled by and are to be handled by the public, or coworkers of the individual that is performing the work.” Ms. Botchie pointed out the town staff showed up every day during the COVID pandemic. They never worked remotely as our Town was and still is in a growth spurt. They were issuing 25 to 30 building permits a month. They had to work with the public in the vestibule until the pass-through window was installed, which was also paid for by the Cares Act Fund. She felt the Town employees were eligible because they worked every day, exchanged documents, and worked with the public. She said she reached out to Barnes and Thornburg for clarification, and they replied that the Town does qualify for this premium pay. This premium pay is not a bonus, it will have to be taxed, but it comes out of the ARPA funds. She requested of Council that out of the ARPA approved \$13.00 per hour, \$5.00 per hour be approved.

The second thing Ms. Botchie believed the Town is eligible for is to have Tidewater service our park because we currently have a well. She informed Council they would not be able to vote on this item because she did not have a written opinion as of yet. ARPA funds can pay for the project infrastructure to tie into clean water. Ms. Botchie advised the Town must wait for an opinion on assisting nonprofits such as the Millville Volunteer Fire Company to help them with their capital campaign.

Mayor Belinko confirmed with Council Member Ryer that she did her research, and the Town of Millville does in fact qualify for this reimbursement.

Ms. Ryer confirmed she has written confirmation from the attorney’s office that they will guarantee that the funds can be used for premium pay. Ms. Ryer said she told the attorney from Barnes and Thornburg that the Town employees continued to work, keeping continuity within the Town. That is why we did not lose revenue. She continued to say whether the doors were closed all the time or not, they were still meeting people, mail was coming in, plans were coming in, the staff was touching everything. Everybody worked and kept it going. Ms. Ryer felt it necessary to have that written confirmation because the way the Governor’s Executive Order Number 28 classified an essential employee is different than the U.S. Treasury, and we are not using state

money anyway, this is Federal U.S. money, and you must go by their interpretation of these words. This is a supplement of federal funds from the federal government.

Ms. Ryer reminded Council it should not be confused with the yearly salary review packet. When Council meets in March or April for the salary review, this should not be considered a raise for the employee. These funds should also not be included in the calculation of the employee's yearly salary since it is federally funded hazard pay. Ms. Ryer spoke to the Town Manager and confirmed this money will be deposited as a designated line item in our budget. Ms. Ryer suggested the check should be issued to each employee from the allowed budget and not through payroll.

Mayor Belinko thanked Ms. Ryer for her comprehensive information so they could be sure that the public citizens understood that we are going by the letter of the law. Ms. Botchie advised the Mayor the timeline for use of funds that must be obligated is by December 31, 2024, and they must be expended by December 2026. We have two years to get it obligated.

Council Member Wisgirda voiced a concern that before anything is done, a complete assurance from the law firm would be obtained, that the Town of Millville is not going to be liable in any way. Ms. Botchie read a portion of the email from the Governor's office stating that the law firm must get confirmation from the U.S. Treasury, before the Governor's office can even answer and that the project is in fact ARPA eligible. She said that approval would be properly documented that all parties are confident it is an eligible expense.

Ms. Ryer wanted to clarify this pay is for hours worked only. She said The Town Manager has assured her the money will come out of the ARPA account and will not come out of any payroll money, no additional monies for 401K contributions will be added and it will not be added to the employee's salary review.

Council Member Brienza made a motion to approve the American Rescue Plan Act (ARPA) Funding Recommendations at \$5.00 per hour and the following stipulations: only for hours worked, no vacation, sick time etc., a lump sum payment from ARPA funds and no matching on the 457(b), not added to the employees' salaries, and not to be confused with the annual salaries during reviews. Seconded by Council Member Ryer. Mayor Belinko asked for an individual vote of the Council Members as follows:

<i>Council Member Ron Belinko</i>	<i>Yes</i>
<i>Council Member Barbara Ryer</i>	<i>Yes</i>
<i>Council Member Sharon Brienza</i>	<i>Yes</i>
<i>Council Member Robert Wisgirda</i>	<i>No</i>
<i>Council Member Steve Maneri</i>	<i>Absent</i>

The motion carried 3-1-1.

Council Member Ryer quickly read a nice thank you letter from the Director of the Community Bank, thanking the Town for all the generous contributions from our residents and for making this a successful holiday Food Pantry drive.

5. Citizens Privilege - None

6. Announcement of Next Meeting: Scheduled for February 8, 2022

7. Adjournment

A motion was made by Council Member Brienza, seconded by Council Member Ryer, to adjourn the meeting at 7:51 p.m. The motion carried 3-1-1.

Respectfully submitted,

WENDY MARDINI
Town Clerk